

REMARKS

**I. Status of Claims**

Currently, claims 1, 3, 10-12, 14, 20, 22-24, 26, and 30, 31, and 33-51 are pending in this application. Claims 23-24, 26, and 30-35 have been withdrawn by the Office as directed to a non-elected invention. Other than the provisional double patenting rejection below, the pending claims are in condition for allowance.

Claim 32 has been cancelled without prejudice or disclaimer. The non-elected claims 23, 30, and 31 have been amended to depend from elected claim 1 (claims 23 and 30) or elected claim 36 (claim 31). Non-elected claim 35 has been amended so that it no longer depends from cancelled claim 32. Claims 33 and 35 have also been amended to mirror the language of claim 10. This amendment does not introduce any new matter.

**II. Rejoinder**

To be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the elements of an allowable claim. M.P.E.P. § 821.04. Applicants have amended the non-elected method claims 23, 30, 31<sup>1</sup> to depend from claim 1 or claim 36. Accordingly, Applicants request that the Office rejoin the non-elected method claims 23-24, 26, 30-31, and 33-35 pursuant to M.P.E.P. § 821.04.

---

<sup>1</sup> Withdrawn method claims 24, 26, and 33-35 depend directly or indirectly from claims 23, 30, and 31.

**III. Double Patenting Rejection**

The Office provisionally rejects claims 1, 3, 10-12, 14, 20, 22, and 36-51 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 64-70 and 75-87 of U.S. Patent Application No. 10/079,241. (Office Action at pages 2-4.) U.S. Patent Application No. 10/079,241 has been abandoned, rendering this provisional double patenting rejection moot.

**IV. Conclusion**

Applicants believe that this application is in condition for allowance. If the Office believes anything further is required in order to place this application in even better condition for allowance, Applicants request that their undersigned representative be contacted at the number listed below to discuss remaining issues.

Please grant any extensions of time required to enter this paper and charge any additional required fees to Deposit Account No. 50-3740.

Respectfully submitted,  
Holly HOGREFE et al.

Date: 1 June 2009

By: /Kavita Singh-Wissmann/  
Kavita Singh-Wissmann  
Reg. No. 58,697

LATIMER, MAYBERRY & MATTHEWS IP LAW, LLP  
13873 Park Center Road  
Suite 106  
Herndon, VA 20171

Tel. 703-463-3073  
Fax. 703-463-3071